

REMARKS

Summary of the Office Action

Claims 1, 2, 4-5, 9, 10 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,514,426 to Eguchi.

Claims 6, 15-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi as applied to claims 1, 2, 4-5, 9, 10 and 12 above, and further in view of U.S. Patent No. 5,618,592 to Nagae et al.

Claims 3, 11 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi and Nagae et al. applied to claims 1, 2, 4-6, 9-10, 12, 15-17 and 19 above, and further in view of U.S. Patent No. 5,545,738 to Son et al.

Claims 7-8, 13-14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi and Nagae et al. as applied to claims 1, 2, 4-6, 9-10, 12, 15-17 and 19 above, and further in view of U.S. Patent No. 4,709,994 to Kanbe et al.

Summary of the Response to the Office Action

Applicants have amended independent claims 1, 9, 15 and 16 to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Also, Applicants have amended claims 7, 13 and 20 to improve their form. Accordingly, claims 1-20 remain pending for further consideration.

All Claims Define Allowable Subject Matter

Claims 1, 2, 4-5, 9, 10 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Eguchi, claims 6, 15-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi as applied to claims 1, 2, 4-5, 9, 10 and 12 above, and further in view of Nagae et al., claims 3, 11 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi and Nagae et al. applied to claims 1, 2, 4-6, 9-10, 12, 15-17 and 19 above, and further in view of Son et al., claims 7-8, 13-14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eguchi and Nagae et al. as applied to claims 1, 2, 4-6, 9-10, 12, 15-17 and 19 above, and further in view of Kanbe et al. To the extent that the Examiner may consider any of these rejections to apply to the newly amended claims, the rejections are traversed as being based upon a reference or a combination of references that neither teaches nor suggests the novel combination of features now clearly recited in claims.

The Office Action alleges that Eguchi discloses all of the features of independent claims 1 and 9. Applicants respectfully disagree that Eguchi discloses all of the features of independent claims 1 and 9, as newly amended.

With respect to independents claims 1 and 9, as newly amended, Applicants respectfully submit that Eguchi does not teach or suggest the claimed combination including at least a feature of “a tilted long axis of the liquid crystal is coincident with a transmission axis of at least one of the polarizers.” With respect to independents claims 15 and 16, as newly amended, Applicants respectfully submit that Eguchi and Nagae et al., whether taken separately or in combination, do

not teach or suggest the claimed combination including at least a feature of “a tilted long axis of the liquid crystal is coincident with a transmission axis of at least one of the polarizers.”

In contrast to the present invention of newly-amended independent claims 1 and 9, Eguchi merely discloses that the rubbing may be applied to only one of the substrates or both substrates each having an alignment film, as described in col. 7, lines 23-30. However, Applicants respectfully submit that Eguchi neither teaches nor suggests that “a tilted long axis of the liquid crystal is coincident with a transmission axis of at least one of the polarizers,” as recited in newly-amended independent claims 1 and 9. This feature of newly-amended independent claims 1 and 9 is supported by at least paragraph [0041] of the specification. According to the paragraph [0041], this feature prevents a phase delay of the light due to discrepancy of a transmission axis of the polarizer and a long axis of a ferroelectric liquid crystal 18, thereby minimizing the light leakage.

Applicants respectfully submit that Nagae et al. does not cure the deficiencies of Eguchi. Applicants further respectfully submit that Eguchi and Nagae et al., whether taken singly or combined, fail to teach or suggest at least the above-mentioned feature as recited in newly-amended independent claims 15 and 16 of the present application. Moreover, Son et al. and Kanbe et al. also fail to cure the deficiencies of Eguchi and Nagae et al. That is, Applicants respectfully submit that Son et al. and Kanbe et al. are totally silent with regard to the feature of “a tilted long axis of the liquid crystal is coincident with a transmission axis of at least one of the polarizers,” as recited by newly-amended independent claims 1, 9, 15 and 16.

MPEP § 2131 instructs that "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Applicants respectfully assert that the rejection of claims 1 and 9 under 35 U.S.C. §102(b) should be withdrawn because Eguchi fails to teach or suggest each and every feature of newly-amended independent claims 1 and 9, as discussed supra. Further, Applicants respectfully assert that the rejections of dependent claims 2-8 and 10-14 should also be withdrawn at least because of their dependencies from the respective newly-amended independent claims 1 and 9 and the reasons set forth above.

MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Accordingly, Applicants respectfully assert that the rejection of independent claims 15 and 16 under 35 U.S.C. § 103(a) should be withdrawn because Eguchi and Nagae et al., whether taken singly or combined, do not teach or suggest each and every feature of newly-amended independent claims 15 and 16, as discussed supra. Further, Applicants respectfully assert that the rejections of dependent claims 17-20 should also be withdrawn at least because of their dependencies from newly-amended independent claim 16 and the reasons set forth above.

For at least these reasons, Applicants respectfully assert that claims 1-20 are in condition

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For at least these reasons, Applicants respectfully assert that claims 1-20 are in condition for allowance.


CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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